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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,479	12/13/2001	Georg Wurm	60,130-1303; 01MRA0194	3653

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 09/18/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,479

Applicant(s)

WURM ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the assembly lines with the subassemblies must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: - - and - - should be inserted after "face" in line 7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. **Claims 9-15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites “the door inner panel” and “the door outer panel” in lines 2 and 5, respectively, which lack proper antecedent basis.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1-7** are rejected under 35 U.S.C. 102(b) as being anticipated by Ritchie (5,857,732).

Ritchie teaches a method of assembling a door comprising the steps of: providing a door inner panel **56** having an outer face (the face at the opposite side of lead line **56**) and an inner face (the face contacting **20**), at least one functional component of the door (col. 4, lines 2-19, the functional components include the window regulator unit for controlling the vertical movement of the glass **52** or the locking mechanism **60** or other electrical and mechanical assemblies required for a particular door application), an anti intrusion beam **36 or 34 or 14** (the numerals **42 and 36** also represent beams), a door outer panel **12**, and assembling the at least one

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functional component (col. 4, lines 2-19) onto and towards the outer face (the face on the opposite side of lead line **56**) prior to (col. 4, lines 12-14) assembling the anti intrusion beam **36 or 34 or 14** onto and towards the outer face (the face opposite of lead line **56**) and prior to assembling the door outer panel **12** towards the outer face and securing via fixing means **90** the door inner panel, the at least one functional component, the anti intrusion beam and the door outer panel relative to each other.

Regarding claim 2, the at least one functional component (col. 4, lines 2-19) of the door is secured prior to assembly (the hardware components are pre-assembled to component **18** and then subsequently attached to component **16** see col. 4, lines 12-16) of the anti intrusion beam **36 or 34 or 14**.

Regarding claim 3, the anti intrusion beam **36 or 34 or 14** is secured prior to assembly of the door outer panel **12**. The beam **14** is secured to beam **34 and 32** or the beam **34 or 32** are secured to beam **14** before assembly with the outer door panel **12** (see col. 4, lines 27-30).

Regarding claim 4, note the trim panel **20** which is assembled towards the inner face **56** and securing the trim panel **20** by fixing means (col. 5, lines 34-35).

Regarding claims 5-7, the fixing means includes at least one fixing element **50,90** which is assembled towards the outer face, wherein the fixing element **50,90** includes a primary axis which is positioned substantially perpendicular to the outer face and a primary fixing direction which faces the outer face during assembly.

8. **Claims 9-13 and 15** are rejected under 35 U.S.C. 102(b) as being anticipated by Herringshaw et al. (4,845,894).

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Herringshaw et al. teach a method of assembling a door into a car body comprising the steps of: providing a subassembly **12** of the door inner panel **18**, at least one functional component **52-54** of the door and an anti intrusion beam **32** on a first assembly line (col. 9, line 60, the door is pre-assembled), providing a car body on a second assembly line (col. 9, line 61, the “vehicle manufacturer” is considered the second assembly line), providing the door outer panel **14** on the second assembly line (col. 9, line 61), moving the subassembly **12** from the first assembly line (col. 9, line 60) to the second assembly line (col. 9, lines 59-61, the subassembly **12** is pre-assembled at the first assembly line and then shipped to the vehicle manufacturer which is the second assembly line), fixing the subassembly **12** onto the car body (col. 9, lines 64-66), and fixing the door outer panel **14** onto the subassembly **12** (col. 9, lines 67-68 to col. 10, line 1 and col. 4, lines 26-28).

Regarding claim 10, the subassembly **12** provided at the first assembly line (col. 9, line 60) further includes a trim panel **100**.

Regarding claim 11, Herringshaw et al. teach providing a trim panel **16** at the second assembly line (col. 9, lines 59-61) and after the subassembly **12** has been moved to the second assembly line (col. 9, lines 59-61), fixing the trim panel **16** on the subassembly **12** (col. 4, lines 28-29).

Regarding claim 12-13, Herringshaw et al. inherently teach providing a plurality of different door outer panels **14** at the second assembly line (col. 9, lines 59-61) and selecting one of the plurality to assemble to the door because the driver side outer door panel **14** is “different” from the passenger side outer door panel **14**. The shape of the driver side outer door panel is different from the passenger side outer door panel because the driver side outer door panel has a

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handle on the right side, whereas the passenger side outer door panel has a handle on the left side. Furthermore, the outer door panels of the driver and passenger side differ in shape because the driver side outer door panel cannot be assembled to the passenger side and vice versa.

Regarding claim 15, Herringshaw et al. inherently teach providing a plurality of different trim panels and selecting one to assemble onto the door because the driver side trim panel **16** is “different” from the passenger side trim panel **16**.

9. **Claim 8** is rejected under 35 U.S.C. 102(b) as anticipated by Ritchie or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ritchie in view of Yamagata et al. (5,226,259).

Ritchie teaches that the outer door panel **12** is attached by adhesive which is heated above its curing temperature and then the adhesive is cooled. Therefore, it is inherent that the fixing means or adhesive is non destructively releasably fixed because when the adhesive is heated beyond its curing temperature the adhesive will release the components from each other. However, if applicant shows convincing evidence that the adhesive of Ritchie is not “non destructively releasably fixed”, Yamagata et al. teach a fixing means **56,7e** which is non destructively releasably fixed. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Ritchie with a fixing means which is non destructively releasably fixed, in light of the teachings of Yamagata et al., in order to facilitate easier disassembly of the door.

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10. **Claim 14** is rejected under 35 U.S.C. 102(b) as anticipated by Herringshaw et al. or, in the alternative, under 35 U.S.C. 103(a) as obvious over Herringshaw et al. alone or as obvious over Herringshaw et al. in view of Barenyi (2,757,447).

Herringshaw et al. teach painting the outer door panels **14** (col. 4, lines 24-25) in a vehicle manufacturing plant. It is inherent that in a vehicle manufacturing plant, there are a plurality of outer door panels that differ in their color because vehicles typically come in different colors. If applicant shows convincing evidence that vehicle manufacturing plants color vehicles only one color, then official notice is taken that it was well known in the art to provide different colors for door panels in a manufacturing plant, in order to provide different colors that are acceptable to different customers.

Alternatively, Barenyi teaches a manufacturing plant wherein different parts are assembled in a single manufacturing plant.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Herringshaw et al. with different parts assembled in a single manufacturing plant, in light of the teachings of Barenyi, in order to produce different vehicle parts in a single manufacturing plant. Although Barenyi broadly teaches manufacturing different types of parts, choosing the particular color desired is clearly a matter of obvious design choice depending on the color that the different customers desire. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided different colors in a vehicle manufacturing plant.



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***Contact Information***

11. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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AU 3726

**MJ**  
September 16, 2003